

Application No. 10/595,588
Amendment Dated 8/25/2008
Reply to Office Action of April 25, 2008

REMARKS/ARGUMENTS

By this Amendment claim 1 is amended and claims 30-32 are added. Claims 1-32 are pending.

The Examiner sets forth that Claims 22 and 29 recites the limitation "additional blades" in lines 2 and 3 and that there is insufficient antecedent basis for this limitation in the claim. However, the Applicant submits that this rejection is moot in view of the previously filed Preliminary Amendment.

The Examiner further sets forth that Claims 1-16,23-27 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Frutin (US Patent 5,971,140).

With respect to claim 1, figure 1, the Examiner sets forth that Frutin teaches a reservoir 11 for multicomponent products comprising, a receptacle 60 for a basic component 15; a cover 61 in a detachable connection with the receptacle; a container 20 for an introduced component, the container placed in an upper part of the receptacle; wherein the reservoir has at least one channel 5 for an output of an end product, at least one hole 14 in the container; a valve 6 closing the hole of the container, wherein the container and the valve are slidably connected such either the container or both can move along guide members 12 and wherein the cover can interact with the container or the valve.

According to the Examiner with respect to claim 2, figure 1, Frutin teaches the valve 6 is provided on an outer surface of the container 20

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The Examiner sets forth that with respect to claim 3, figure 2, Frutin teaches the valve 6 is provided on the inner surface of the container 20, that with respect to claims 4 and 23, figure 1, Frutin teaches the upper part of the valve 20 is made in the form of a neck (the Examiner directs the Applicant's attention to figure 1), that with respect to claim 5, figure 1, Frutin teaches the guide members 12 are in the form of a ring (the Examiner directs the Applicant's attention figure 1), and that with respect to claim 6, figure 1, Frutin teaches the guide members 12 are formed by a part of the receptacle for the basic component or by the walls of the container 20 and the valve 6.

The Examiner further sets forth that with respect to claim 7, figure 1, Frutin teaches the container 20 is made as an independent structural element of the receptacle 60, that with respect to claim 8, figure 1, Frutin teaches the valve 6 is made as an independent structural element as an element of the container 20, that with respect to claim 9, figure 1, Frutin teaches the channel 5 for output of the end product is placed inside the container 60, and that with respect to claim 10, figure 1, Frutin teaches the channel 5 for output of the end product passes through the valve 6.

According to the Examiner with respect to claims 11 and 24, figure 1, Frutin teaches the reservoir 11 additionally has a tube (the Examiner directs the Applicant's attention column 2, lines 27 and 28) set in the bottom part of the receptacle 20; the tube reaches the channel 5 for the output of the end product, that with respect to claim 12, figure 1, Frutin teaches the cover 61 is connected to the container or to the valve with the possibility of a detachable connection, that with respect to claim 13, figure 1, Frutin teaches the cover 60 is connected to the container 20, and that with respect to claims 14, 25, and 26, figure 1, Frutin teaches an additional spring

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element (the Examiner directs the Applicant's attention column 3, lines 17-20) for the interaction of the cover 61 with the container 60.

Further, according to the Examiner, with respect to claims 15 and 27, figure 1, Frutin teaches a cover 61 interacts with the container 60 by its inner part, that with respect to claim 16, figure 1, Frutin teaches the inside part of the cover 61 is flat, that with respect to claims 22 and 29, figure 5, Frutin teaches additional blades 7 set on the inside part of the container 60 and the valve blades (the Examiner directs the Applicant's attention figure 1).

The Examiner further sets forth that 5. Claims 17-20 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frutin (US Patent 5,971,140) in view of Nobbio (US Patent 5,435,341).

With respect to claim 17, the Examiner believes that Frutin teaches all the limitations of claim 15 and that Frutin does not teach the inside part of the cover has a binding element. However, the Examiner further believes that in figure 2 Nobbio teaches an inside part of the cover 40 has a binding element 38. Therefore, the Examiner believes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover of Frutin by incorporating the binding element, as taught by Nobbio, for the advantage of providing a connection between the cover and the container.

With respect to claims 18 and 20, the Examiner believes that the combination of Frutin and Nobbio teach all the limitations of claims 17 and 19 and that the combination also teaches the binding element (reference number 38, figure 2) is made in the form of a toothed member

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(the Examiner directs the Applicant's attention to column 3, line 27).

With respect to claims 19 and 28, the Examiner further sets forth that Frutin teaches all the limitations of claim 17. The combination of Frutin and Nobbio also teaches a binding element (reference number 38, figure 2) is set on the container (reference number 30, figure 2).

The Examiner further sets forth that Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frutin (US Patent 5,971,140) in view of Joulia (US Patent).

With respect to claim 21, the Examiner believes that Frutin teaches all the limitations of claim 13, and that Frutin does not teach a removable cap is set on the cover. However, the Examiner believes that in figure 1 Joulia teaches a removable cap 18 is set on the cover 35. Therefore, the Examiner believes that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the cover of Frutin by incorporating the removable cap, as taught by Joulia, for the advantage of dispensing the mixed components.

The Applicant's invention is a vessel for containing multicomponent products and mixing the components at the time they are used in order to provide a mixed end product. Thus, a basic component is contained in a receptacle and an introduced component is contained in a container located in the upper part of the receptacle. The Applicant's container has an opening which is covered by a valve until the time that the components are to be mixed. When the components are to be mixed the valve uncovers the opening to permit the introduced component to be forced through the opening and into the receptacle containing the basic component. The Applicant's valve can cover and again close the opening before all of the introduced component has escaped

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from the container in order to interrupt the mixing. Thus, the Applicant's invention provides dosed mixing.

Additionally, the Applicant's invention includes guide members for guiding the container as it is moved relative to the valve in order to uncover the opening and permit the introduced component to flow therethrough and mix with the basic. The Applicant also teaches guiding members that guide a twisting motion of the container relative to the valve while the guiding members are stationary with respect to the valve.

Accordingly, the Applicant's amended claim 1 sets forth a vessel for multicomponent products including a receptacle for a basic component, a cover in a detachable connection with the receptacle, and a container for an introduced component, the container placed in an upper part of the receptacle, wherein the vessel has at least one channel for an output flow of an end product through the channel to the exterior of the receptacle. Amended claim 1 also sets forth at least one opening in the container. A valve uncovering the opening of the container to permit flow of the introduced component through the opening and mixing of the basic component and the introduced component and the valve covering the opening of the container after uncovering the opening of the container to interrupt the mixing of the basic component and the introduced component to provide dosed mixing of the basic component and the introduced component are also recited by amended claim 1. The container and the valve are slidably connected such that either the container or the valve or both can move along guide members and wherein the cover can interact with the container or the valve.

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Frutin does not teach a valve uncovering the opening of the container to permit mixing of the components and covering the opening after uncovering the opening to interrupt the mixing of the components to provide dosed mixing of the components as required by amended claim 1.

Rather, Frutin teaches a spike on a member 6 bursting a membrane when the member 6 passes through the aperture 14. The bursting of the membrane allows a first fluid to flow from an inner container through the aperture 14 when the member 6 is withdrawn from the aperture 14. The first fluid flows through the aperture 14 into a receptacle and mixes with a second fluid. There is no suggestion whatsoever that the mixing of the first and second fluids can be interrupted once the membrane is burst and the member 6 is withdrawn from the aperture 14.

Furthermore, Frutin does not teach or suggest an output flow through the channel to the exterior of the receptacle occurs without any movement of the container toward the exterior of the receptacle as set forth in new claim 30. Rather, Frutin teaches that the container is removed from the receptacle in order to permit the end product to flow to the exterior of the receptacle. Additionally, Frutin does not teach or suggest any elements providing the structure of the Applicant's guide members. It follows that Frutin does not teach guide members that guide a twisting movement of the container, or guide members that are stationary with respect to the valve while guiding a twisting movement of the container, as set forth in new claims 31, 32. It should also be noted that Frutin does not teach the twisting movement of the container as required in the Applicant's new claims 31, 32.

Claim 1 is thus believed to be patentable over the cited references and allowance is solicited. Additionally, the remaining claims depend directly or indirectly from claim and are

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believed to be patentable for at least the same reasons.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.

By 

Frank M. Linguiti
Registration No. 32424
Customer No. 03000
(215) 567-2010
Attorneys for Applicants

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